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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,756	12/17/2001	Yasuo Goto	CU-2783 RJS	2783
26530	7590	01/30/2006	EXAMINER	
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			YE, LIN	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,756

Applicant(s)

GOTO, YASUO

Examiner

Lin Ye

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/11/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) dated February 20, 2002 and submitted on **March 11, 2002** is being considered by the examiner. The initialed copy of form PTO-1449 will be returned with this Office Action.

Drawings

2. The Figures 1-3 are objected to under 37 CFR 1.84(o). Drawings submitted to the Office must be suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing. They should contain as few words as possible.

For Figures 1-3, there has no any descriptive legends contained in the Figures 1-3. For example, the descriptive legends --photographic unit 10 --, --personal computer 20--, --LCD 30--, etc., should be contained in the Figures 1-3 for understanding of the drawing.

A proposed drawing correction or corrected drawings are **required in reply to the Office action to avoid abandonment of the application**. The objection to the drawings will not be held in abeyance.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in 10/018,756 on 12/17/2001. It is noted, however, that applicant has not filed a

Art Unit: 2615

certified copy of the Japan 2000-121647 and Japan 2000-121648 applications as required by 35 U.S.C. 119(b).

Response to Arguments

4. Applicant's arguments filed 12/13/05 have been fully considered but they are not persuasive as to claims 1-7.

For claims 1-7, the applicant argues that none of the cited prior art references relate to 'make-up counseling' or 'make-up for a subject's face' as claimed in claim 1 of the present invention (See applicant's REMARKS, page 5, lines 31-32 and page 6, lines 1-2).

In response to applicant's arguments, the recitation "make-up of a subject's face" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone (See MPEP § 2111.02 [R-3], II. Preamble statements reciting purpose or intended use).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart et al.

U.S. Patent Publication 2002/0071246.

Referring to claim 1, the Stewart reference discloses in Figures 1-3 and 11A-C, a portable device (1) comprising: a computer positioned at a basal portion of the apparatus for conducting image processing and counseling processing (e.g., giving a talk for a small group of people to supplement additional information, such as graphs, video, See page 1, paragraph [001]-[0004]); a first image display means (display 11 in speaker side) for displaying a computer-processed image to a subject, mounted upright in the computer; a second image display means (display 7) for displaying the computer-processed image to a counselor (audience), mounted upright in the computer so that a display screen thereof is directed in a direction opposite the first display means (11); and photographic means (a peripheral devices 18, such as a **camera**, audio system or other video input devices, see page 4, paragraph [0075]-[0076]), positioned near the first image display means (11) as shown in Figure 3, for photographing a subject directed in a direction of the first display means and feeding a facial image of the subject (speaker or audience) into the computer.

Referring to claim 2, the Stewart reference discloses wherein a space bounded by the computer (10) and by the first (11) and second (7) image display means contains the photographic means (camera 18).

Referring to claim 6, the Stewart reference discloses wherein display contents of the first image display means (11 at speaker side) and display contents of the second image display

means (7 at audience side) are identical (e.g., this can make more than two or three people to view the presentation simultaneously, see page 3, paragraph [0004]).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. U.S.

Patent Publication 2002/0071246 in view of Umeda et al. U.S. Patent 5,920,342.

Referring to claim 3, the Stewart reference discloses all subject matter as discussed with respect to claim 1, except that the Stewart reference does not explicitly show the photograph means including a strobe for illuminating the subject (speaker); and a distance sensor for measuring a distance to the subject (speaker).

The Umeda reference teaches in Figures 1, 5, 28 and 30, the photographic means comprises: a digital camera (10) for photographing a subject; a strobe for illuminating the subject (flash unit 76, see Col. 14, lines 1-16); and a distance sensor (81, see Col. 14, lines 60-67) for measuring a distance to the subject. The Umeda reference is evidence that one of ordinary skill in the art at the time to see more advantages the photograph means including a strobe for illuminating the subject; and a distance sensor for measuring a distance to the subject, so that the camera can capture a high quality dark subject and accurately check

Art Unit: 2615

correct subject distance for auto-focusing. For that reason, it would have been obvious to one of ordinary skill in the art to modify a portable device of Stewart ('246) by providing the photograph means to include a strobe for illuminating the subject (speaker); and a distance sensor for measuring a distance to the subject (speaker) as taught by Umeda ('342).

9. Claims 4 and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. U.S. Patent Publication 2002/0071246 in view of Hogan et al. U.S. Patent 5,657,246.

Referring to claims 4-5, the Stewart reference discloses all subject matter as discussed with respect to claim 1, except that the Stewart reference does not explicitly show first or second image display means has a transparent touch panel on the display.

The Hogan reference discloses in Figures 2 and 5A-B, a video conferencing system can include any type of input devices, such as touch screen displays or keyboard or mouse for each platforms in the video conferencing system (See Col. 4, lines 1-8). The Hogan reference is evidence that one of ordinary skill in the art at the time to see more advantages the counseling apparatus has more flexible option to include any type input device such as a transparent touch panel on the display so that user can quick and easily input the information. For that reason, it would have been obvious to one of ordinary skill in the art to modify a portable device of Stewart ('1246) by providing first or second image display means has a transparent touch panel on the display as taught by Hogan ('7246).

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. U.S. Patent Publication 2002/0071246 in view of Andersson et al. U.S. Patent 5,500,671.

Referring to claim 7, the Stewart reference discloses all subject matter as discussed with respect to claim 1, except that the Stewart reference does not explicitly show wherein the display contents of the first image display means and the display contents of the second image display means are different.

The Andersson reference discloses in Figure 1, a video conference system provides the display contents of the first image display means (12) and the display contents of the second image display means (14) are different. The Andersson reference is evidence that one of ordinary skill in the art at the time to see more advantages the counseling apparatus has more flexible option to provide the display contents of the first image display means and the display contents of the second image display means are different so that speaker and audience can directly see each other from the displays for conducting a meeting. For that reason, it would have been obvious to one of ordinary skill in the art to modify a portable device of Stewart ('246) by providing the display contents of the first image display means and the display contents of the second image display means are different as taught by Andersson ('671).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until

Art Unit: 2615

after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lin Ye
Examiner
Art Unit 2615

January 26, 2006